

United States District Court
For the middle District of Penna.

William Branch
Plaintiff

v.
Mr Russian, et al.,
Defendants

Civil Action No. 1:00-cv-00-172
Judge Rambo

FILED
SCRANTON (BC)

JUL 11 2002

Brief in support of
Emergency injunctive
Relief

PER Amo
DEPUTY CLERK

if it Please the Court Here come's William Branch a
inmate at SCI Waymart.

The Reason for my motion of emergency injunction is that
the Prison has written me up charging me with lying to
a employee. Retaliation Crawford et V. Britton 523 U.S. 572, 588 N.10
118 Sct 1584, 146 Fed 2d
I wrote a grievance against Sgt McAndrews charging
him with assault, at this time I was only aware of 40
Sherman who state at the time Sgt. McAndrews punched-
pushed me without me provoking him "I did not see
anything.

I filed the grievance in good faith and 42 USC.A.
§ 1997d that I am to be free from any type of Retaliation.

When this staff member attacked me he stated you are a asshole
That he knew me for 9 yrs and I am still a asshole This type of
a statement clearly shows a conspiracy by staff to Retaliate
against me and Punish me for past exercise of my 1st Amend.
Rights and Reporting their misconducts also my Religious
Practices

the staff has charged me with lying to an employee and
misconduct # A 275201 the other misconduct was not prepared correct
to charges Rewrite it

92
Amo
7/17/02

enclosed Please find a copy of my private criminal complaint

the first amend. Confers on all Americans the Right to petition the government for grievance's and 42. U.S.C.A § 1997 forbids anyone to Harass or Retaliate against a person who exercise this Right. " No Person Reporting conditions ~~which~~ which may constitute a violation under this subchapter shall be subjected to Retaliation in any manner for so Reporting "

also the warden should have prevented this write up protecting my right to access the court as I am required to exhaust all administrative Remedies they answered my grievance with a write up.

The force used against me was not provoked and I was not late for Breakfast which is the excuse used by Sgt McAndrews to challenge me The meal / diet line (a doctor ordered meal) was called at 7:35 ~~AM~~ at 7:45 Sgt Mc Andrews called the Block asking what time the meal was called at 7:47 I was leaving the Dining Hall finished my meal and on my way back to the Block 12 mins between the time the meal was called and my leaving the Hall he had NO Reason to charge me with being late Harassment designed to put me in the R.H.U., and to deny me my meal which also protected as medical treatment prescribed by the Doctor.

I have not Received equal protection from the Staff I am housed in a bed with a fan over my head and a light and as the fan turns the whole Room seems to be moving This hurts my eyes and gives me head aches also the fan makes me cold and the G's will not turn them down Other inmate's when asked for a bed change of their chose are moved when I ask I am not given a chose and they keep me under a fan when I ask them not to put me under a fan. This constitutes Cruel and unusual punishment 8, amend 14, amend

for all the Reasons stated above I ask this Honorable Court to grant my Request: to stop the prison from writing me up and putting me in the R.H.U. and to allow me to move to a bed without a fan over my head with a light

Respectfully

PROOF OF SERVICE

I, the undersigned, verify that I have served a copy of this petition by U.S. postage paid mail to:

J Rambo
Po Box 983
Harrisburg Pa. 17108

Ms Mosley Deputy attorney
General
Strawberry sq 15th fl
Harrisburg Pa 17120

NA

MOTION TO PROCEED IN FORMA PAUPERIS

~~I, the undersigned, move this Honorable Court for an order permitting me to proceed in Forma Pauperis. I had previously been granted in Forma Pauperis status. My financial situation has not changed. I am still unable to pay the cost of the said proceedings.~~

VERIFICATION

I, the undersigned, verify that the above statements are true and correct and that any false statements herein are made subject to Title 18 Pa.C.S.A. section 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: 7-05-02

William Branch CF3756

S.C.I. Waymart
P.O. Box 256
Waymart, PA 18472-0256

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF:

Magisterial District Number:

District Judge Name: Hon. JUDGE CONWAY

Address: 925 court street
Honesdale, Pa. 18431-1996

Telephone: ()

Docket No.:

Date Filed:

OTN:

(Above to be completed by court personnel)

PRIVATE
CRIMINAL COMPLAINTWILLIAM BRANCH CF-3756
PO BOX 256 waymart Pa. 18472
COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

NAME and ADDRESS

SGT. McANDREW

D.O.C. WAYMART PRISON

P.O. 256
WAYMART PA. 18472

(Fill in defendant's name and address)

Notice: Under PA Rules of Criminal Procedure, your complaint may require approval by the District Attorney before it can be accepted by the magisterial district court. If the District Attorney disapproves your complaint, you may petition the court of common pleas for review of the District Attorney's decision.

Fill in as much information as you have.

Defendant's Race/Ethnicity		Defendant's Sex		Defendant's D.O.B.	Defendant's Social Security Number	Defendant's SID (State Identification Number)
<input checked="" type="checkbox"/> White	<input type="checkbox"/> Asian	<input type="checkbox"/> Black	<input type="checkbox"/> Female			
<input type="checkbox"/> Hispanic	<input type="checkbox"/> Native American	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> Male			
Defendant's AKA (also known as)		Defendant's Vehicle Information		Defendant's Driver's License Number		
		Plate Number		State	Registration Sucker (MM/YY)	
				State		

I, WILLIAM BRANCH WAS PUNCHED AND PUSHED BY SGT McANDREW AND CALLED ASSHOLE.

(Name of Complainant - Please Print or Type)

do hereby state: (check the appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above
☐ I accuse the defendant whose name is unknown to me but who is described as _____

☐ I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at S.C.I. WAYMART P.O. BOX 256

(Place-Political Subdivision)

in WAYNE COUNTYCounty on or about 6/15/02 at 7:47 am.

Participants were: (if there were participants, place their names here, repeating the name of above defendant)

SGT. McANDREW AND C/O SHERMAN WATCHED AND SAID I DIDNOT SEEANY THING AFTER SGT. MC ANDREW PUNCHED-PUSHED ME

2. The acts committed by the accused were: ASSUALT AND BATTERY, SIMPLE, AGG., RETALIATION, INTI

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

18 Pa.c.s.a. § 2701 WITHOUT BEING PROVOKED, SGT McANDREWS PUSHED -PUNCHED42 u.s.c.a. ME STATING I KNOWN YOU FOR 9YRS. AND YOU WERE A ASSHOLE THEN\$1997dAND You A STILL A ASSHOLE, IN THE PAST I HAVE REPORTED PRISONSTAFF FOR MISCONDUCTS AND I NOW HAVE A CIVIL ACTION \$1983 IN THEMIDDLE DIST. COURT OF PENNA. THIS STAFF MEMBER HAS EVERYDAYHARASSED ME AS PART OF THE STAFF'S ON GOING CONSPIRACY AGAINME TO FORCE ME TO DROP MY COMPLAINT ALSO WHEN I WROTE AGREIVANCE ON SGT. MC ANDREWS AND HAD NO WITNESS THE STAFFHAS WRITTEN ME UP/A MISCONDUCT CHARGEING ME WITH LYING TOAN EMPLOYEE. A VIOLATION OF MY FIRST AMEND. RIGHT.

(Continuation of No. 2)

Defendant's Name: SGT. McANDREWS

Docket Number:

PRIVATE
CRIMINAL COMPLAINT

42 U.S.C.A. §§ 1997, 1997a(a), 1997d.

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT, §§ 2, 3(a), 6,

THESE STATE EMPLOYEES ACTING UNDER COLOR OF THE LAW

CONSPIRED TOGETHER TO VIOLATE AND DEPRIVE ME OF MY RIGHTS
TO BE FREE FROM RETALIATION FOR REPORTING CONDITIONS WHICH
MAY CONSTITUTE A VIOLATION UNDER THESE SUBCHAPTER

42 U.S.C.A. §§ 1983, 1985, 1985(3) FAILER TO PREVENT SAID ACTOR FROM

1985 VIOLATING MY CIVIL RIGHTS. SOMEONE SHOULD HAVE STOPPED
THE STAFF BECAUSE I REPORTED THE ACTIONS OVER AND OVER
I HAVE BEEN ATTACKED BY THE STAFF BECAUSE OF MY RACE AND
RELIGIOUS PRACTICES AND BECAUSE I AM SUEING THEM.1, 14, 8, amend.
U.S.C.A.

Violation. I am housed under a fan I have asked to be moved
and when they move me it is to a spot they want never a bed of my
choosing when other inmates are allowed a Bed of their choosing, eg
Protection the problem is the C/O's keep the fan on High and Refuse
turn them down. I take High Blood Pressure medication and the fan
makes me colder, I get sick. also the light behind the fan
makes everything ~~more~~ I look at move giving me a head ache and
prevents me from doing my Reading and writing. Cruel and
unusual punishment all done in Retaliation of for me exercising
my Constitutional Rights and conspiracy by officials

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act
of Assembly, or in violation of PL 1485 No. 334, §1 and Pa. C.S.A. §2701
of the ASSAULT AND BATTERY (Section) (Subsection)

(PA Statute)

3. I ask that process be issued and that the defendant be required to answer the charges I have made.
4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. §4904) relating to unsworn falsification to authorities.

July 5, 2002

William Branch OF356
(Signature of Complainant)District Attorney's Office ☐ Approved ☐ Disapproved because:

(Name of Attorney for Commonwealth - Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

AND NOW, on this date _____, 19____, I certify that the complaint has been
properly completed and verified.